**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**CRIMINAL MISC.APPLICATION No. 6625 of 2006**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE KS JHAVERI**

==========

**ASHOKBHAI LAKHABHAI VAGHASIYA - Applicant(s)**
**Versus**
**STATE OF GUJARAT - Respondent(s)**

==========

**Appearance :**
MR BM MANGUKIYA for Applicant(s) : 1,MS BELA A PRAJAPATI for Applicant(s) : 1,
PUBLIC PROSECUTOR for Respondent(s) : 1,

==========

**CORAM : HONOURABLE MR.JUSTICE KS JHAVERI**

**Date : 13/09/2006**

**ORAL JUDGMENT**

1. By way of this application under Section 439 of the Criminal Procedure Code, the applicant has prayed for grant of regular bail in connection with the offences registered with the Mahidharpura Police Station vide CR No. I-81 of 2006 punishable under sections 406, 420, 114 of the Indian Penal Code.

2. Mr B.M Mangukiya, learned advocate appearing for the applicant has submitted that the applicant has been falsely implicated in the offence and has been

arrested merely on the basis of suspicion and hence the applicant deserves to be released on bail.

3. Mr I.M Pandya, learned APP has apprised this Court with the fact that the applicant is specifically named in the FIR by the complainant as the applicant had taken diamonds from the complainant for polishing and had also signed a note for the same but did not return the said diamonds thereby committing breach of trust.

4. Heard learned advocate for the applicant and learned APP for the State. I have gone through the order of the Sessions Court. The perusal of papers reveals that the applicant and his associate shri Shambhubhai Vaghasiya who has also signed the said note, did neither return the diamonds taken on the pretext of polishing but they also did not convey about the status of the diamonds to the complainant. All efforts of contacting them turned to be futile. However, the applicant was arrested after a period of about two months. The entire episode relates to offence involving breach of trust and financial

loss. The reasonings adopted and findings arrived at by the Sessions Court in not granting bail to the applicant is just and proper and no case is made out for interference.

5. In view of the above, this application is rejected. Notice is discharged.

(K.S. JHAVERI, J.)

Divya//